

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

**PROGRESSIVE SOUTHEASTERN
INSURANCE CO.,**

Plaintiff,

v.

J & P TRANSPORT, et. al.,

Defendants.

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CAUSE NO. 1:11-CV-137

OPINION AND ORDER

Plaintiff filed this case in this Court based on diversity jurisdiction pursuant to 28 U.S.C. § 1332(a). (Docket # 1.) The Complaint alleges that Defendant Hy-Line Enterprises Holdings, LLC, is a Delaware citizen because it is incorporated in Delaware and has its principal place of business in Delaware. (Compl. ¶ 4.) Plaintiff's jurisdictional allegations, however, inadequately set forth the Defendant's citizenship.

A limited liability company's citizenship "for purposes of . . . diversity jurisdiction is the citizenship of its members." *Cosgrove v. Bartolotta*, 150 F.3d 729, 731 (7th Cir. 1998). Therefore, the Court must be advised of the citizenship of *each* member of Hy-Line Enterprises Holdings, LLC to ensure that none of its members share a common citizenship with the Plaintiff. *See Hicklin Eng'g, L.C. v. Bartell*, 439 F.3d 346, 347 (7th Cir. 2006). Moreover, citizenship must be "traced through multiple levels" for those members of Hy-Line Enterprises Holdings, LLC who are themselves a partnership or a limited liability company, as anything less can result in a dismissal or remand for want of jurisdiction. *Mut. Assignment & Indem. Co. v. Lind-Waldock & Co., LLC*, 364 F.3d 858, 861 (7th Cir. 2004).

Therefore, the Plaintiff is ORDERED to file an amended Complaint forthwith, properly

alleging the citizenship of each member of Hy-Line Enterprises Holdings, LLC, and, if necessary, tracing the citizenship of unincorporated associations through all applicable layers of ownership.

SO ORDERED.

Enter for April 26, 2011.

/S/ Roger B. Cosbey
Roger B. Cosbey,
United States Magistrate Judge